

REMARKS

Claims 1-2, 4-6, and 8-25 were pending in the application and all were rejected. Claims 1 and 21 have been amended. Support for the claim amendments can be found in Applicant's disclosure, as published in United States patent Publication No. 2005/0198244, specifically at paragraph [0081].] Applicant respectfully requests reconsideration.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 1, 2, 4-6, 8-14, 19, and 21-25 under 35 USC 103(a) as being unpatentable over US Patent No. 7050807 to Osborn, US Patent Application Pub No. 20030208473 to Lennon, and US Patent Application Pub No. 20040039772 to DeMiguel et al.

As to claim 1, Osborn does not teach or suggest "receiving as input an Infrastructure Model describing both hardware and software resources and an organization of said resources in the computing utility infrastructure, said Infrastructure Model representing knowledge encapsulated in a knowledge subsystem, wherein said knowledge subsystem comprises a set of objects used to represent resource instances and relationships, configure resources and relationships, query their state, and query their configuration capabilities and constraints." The Office Action concedes that Osborn "does not explicitly disclose provisioning software resources" but alleges that de Miguel provides this element.

Applicant replies that de Miguel's provisioning of services in a communication

network is not analogous to the claimed “software resources and an organization of said resources in the computing utility infrastructure.” Therefore, de Miguel does not provide this claim element lacking in Osborn.

Further, claim 1 has been amended to clarify that more than one intermediary model is created prior to mapping the intermediary model to the knowledge subsystem. None of the cited references teach or suggest multiple intermediary models.

Claims 2, 4-6, 8-14, 19, and 25 are dependent on claim 1 and are patentable over the cited references for at least the same reasons that claim 1 is patentable over the cited references.

Claim 21 has been amended similarly to claim 1 and is therefore patentable for the same reasons.

Claims 22-24 are dependent on claim 21 by virtue of their dependence on a patentable base claim.

The Office Action rejected claims 15 and 16 under 35 USC 103(a) as being unpatentable over Osborn, Lennon and DeMiguel, as applied to claim 12 above, and in further view of US Patent No. 6332023 to Porter et al.

Claims 15 and 16 are dependent on claim 1 which is patentable over the cited references. Therefore, by virtue of their dependency, claims 15 and 16 are patentable over the cited references.

The Office Action rejected claims 17 and 18 under 35 USC 103(a) as being unpatentable over Osborn, Lennon, and De Miguel, as applied to claim 1 above, and in further view of US Patent Application Pub No. 20040128397 to Glasmann et al.

Claims 17 and 18 are dependent on claim 1 which is patentable over the cited references. Therefore, by virtue of their dependency, claims 17 and 18 are patentable over the cited references.

The Office Action rejected claim 20 under 35 USC 103(a) as being unpatentable over Osborn, Lennon, and De Miguel, as applied to claim 19 above, and in further view of US Patent No. 6901446 to Chellis et al.

Claim 20 is dependent on claim 1 which is patentable over the cited references. Therefore, by virtue of its dependency, claim 20 is patentable over the cited references.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner
Reg. No. 33,162

Date: June 24, 2009

Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)